

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/034,444	LEE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mina Haghighatian	1616	

All participants (applicant, applicant's representative, PTO personnel):

(1) Mina Haghighatian.

(3) Kawai Lau.

(2) Sreeni Padmanabhan.

(4) Poongunran Muphukumaran.

Date of Interview: 07 September 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: All.

Identification of prior art discussed: All.


Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 \_\_\_\_\_  
 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Lau briefly explained the instant invention being claimed and insisted that the claimed aerogel particles are made to reach the subject's alveoli. Mr. Lau stated that the prior art did not teach or suggest this element. Berg teaches delivery of aerogels to bloodstream or lung (basically for imaging purposes). The instant claims were discussed in reference to anticipatory or obviousness over Berg. Mr. Lau and Mr. Muphukumaran argued that the required density and particle size limitations define the particles for delivery to alveoli. Examiners argued that delivery to alveoli in a composition claim would be considered "intended use" and that intended use is not support for patentability. Thus the composition claims are not patentable over compositions of Berg. Examiners suggested amending the method claims to include the density, particle size and site of delivery would potentially place the Application in condition for allowance.